

SENATE BILL No. 291

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-16.1.

Synopsis: Probate code study commission. Establishes the probate code study commission (commission). Allows the commission to meet only during interim periods beginning in odd-numbered calendar years. Requires the commission to study and recommend to the general assembly changes that are needed in the probate code (IC 29-1), the trust code (IC 30-4), and other statutes affecting the administration of a decedent's estate, guardianships, probate jurisdiction, trusts, or fiduciaries. Provides for the governor to appoint 10 lay members, for the president pro tempore of the senate to appoint three members from the senate, and for the speaker of the house of representatives to appoint three members from the house of representatives.

Effective: July 1, 2015.

Zakas

January 8, 2015, read first time and referred to Committee on Civil Law.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 291

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-16.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]:

4 **Chapter 16.1. Probate Code Study Commission**

5 **Sec. 1. (a) As used in this chapter, "commission" refers to the**
6 **probate code study commission established by section 2 of this**
7 **chapter.**

8 **(b) As used in this chapter, "interim" means the part of a year**
9 **that:**

10 **(1) begins immediately after the day on which a regular**
11 **session of the general assembly adjourns sine die; and**

12 **(2) ends immediately before the day on which the next regular**
13 **session of the general assembly convenes.**

14 **(c) As used in this chapter, "lay member" means a member of**
15 **the commission who is appointed under section 3(a)(1) of this**
16 **chapter.**



(d) As used in this chapter, "legislative member" means a member of the commission who is appointed under section 3(a)(2) or 3(a)(3) of this chapter.

Sec. 2. The probate code study commission is established.

Sec. 3. (a) The commission has the following members:

(1) Ten (10) members appointed by the governor. At least one (1) resident of each of Indiana's congressional districts shall be appointed as a member of the commission under this subdivision.

(2) Three (3) members appointed by the president pro tempore from among the members of the senate, not more than two (2) of whom may be affiliated with the same political party.

(3) Three (3) members appointed by the speaker from among the members of the house, not more than two (2) of whom may be affiliated with the same political party.

(b) If a legislative member of the commission ceases to be a member of the chamber from which the member was appointed, the person ceases to be a member of the commission.

(c) Subject to subsection (d) and section 4 of this chapter, the term of a member is two (2) years. A member of the commission may be reappointed to the commission.

(d) Upon the expiration of the two (2) year period for which a member was appointed, the term of the member continues until:

(1) the member is reappointed under subsection (c); or

(2) a successor to the member is appointed under subsection (a).

(e) A vacancy on the commission shall be filled by the original appointing authority.

Sec. 4. The commission may meet and take action only during an interim that begins in an odd-numbered calendar year.

Sec. 5. (a) For the interim beginning in calendar year 2015, and for the interim beginning in every fourth calendar year thereafter, the president pro tempore shall appoint:

(1) a chairperson; and

(2) a vice chairperson;

from among the commission's legislative members.

(b) For the interim beginning in calendar year 2017, and for the interim beginning in every fourth calendar year thereafter, the speaker shall appoint:

(1) a chairperson; and

(2) a vice chairperson;



1 from among the commission's legislative members.

2 (c) A legislative member appointed under subsection (a) or (b)
3 serves as chairperson or vice chairperson for a term of two (2)
4 years.

5 (d) If the office of chairperson or vice chairperson of the
6 commission becomes vacant, the commission shall elect a legislative
7 member of the commission to fill the vacancy.

8 Sec. 6. (a) A quorum for a meeting of the commission is
9 determined as follows:

10 STEP ONE: Determine the total number of members serving
11 on the commission.

12 STEP TWO: Divide the number determined in STEP ONE by
13 two (2). If the quotient is not a whole number, round the
14 quotient up to the nearest whole number.

15 STEP THREE: Add one (1) member to the quotient
16 determined under STEP TWO.

17 (b) For the commission to take any final action, the number of
18 votes in favor of the action must equal the number of members in
19 a quorum, as determined under subsection (a).

20 Sec. 7. Subject to applicable statutes and policies established by
21 the legislative council, the commission, by resolution, may:

22 (1) adopt rules; and

23 (2) create committees consisting of members of the
24 commission;

25 that are necessary for the proper conduct of the commission's
26 business.

27 Sec. 8. Each legislative member and each lay member of the
28 commission is entitled to receive the same per diem, mileage, and
29 travel allowances paid to individuals serving as legislative
30 members and lay members, respectively, on interim study
31 committees established by IC 2-5-1.3-4.

32 Sec. 9. The legislative services agency shall provide staff support
33 to the commission.

34 Sec. 10. Funds necessary to carry out this chapter shall be
35 allotted to the commission from funds appropriated to the
36 legislative council.

37 Sec. 11. Subject to standards set by statute and the policies
38 established by the legislative council, the commission may accept
39 money or services from any public or private source to carry out
40 this chapter.

41 Sec. 12. The commission shall submit reports in an electronic
42 format under IC 5-14-6 to the legislative council as and when



1 requested by the council.

2 **Sec. 13.** The commission shall carry out a program to study and
3 recommend to the general assembly changes that are needed in the
4 following:

5 (1) The probate code (IC 29-1).

6 (2) The trust code (IC 30-4).

7 (3) Other statutes affecting the administration of a decedent's
8 estate, guardianships, probate jurisdiction, trusts, or
9 fiduciaries.

10 **Sec. 14.** The legislative council may refer any issue related to
11 probate or trusts and fiduciaries to the commission for study. If an
12 issue is referred to the commission under this section, the
13 commission shall study the issue and report the results of its study
14 in an electronic format under IC 5-14-6 to the legislative council as
15 requested by the legislative council.

